

1 ANDREAU GERALD WILSON,  
2 Plaintiff,

3 v.  
4 MEMBERS OF SAN QUENTIN  
5 STATE PRISON EAST BLOCK  
6 CONDEMNED ROW 2 BUILDING &  
7 MAIL ROOM MEMBERS,

8 Defendants.

9  
10 Case No. [19-cv-00919-RS](#) (PR)

11  
12 **ORDER OF DISMISSAL**

13  
14 **INTRODUCTION**

15 Plaintiff fails to state any claim for relief in either of his 42 U.S.C. § 1983  
16 complaints. Accordingly, this federal civil rights suit is DISMISSED.

17  
18 **DISCUSSION**

19 A. **Standard of Review**

20 A “complaint must contain sufficient factual matter, accepted as true, to ‘state a  
21 claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)  
22 (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). “A claim has facial  
23 plausibility when the plaintiff pleads factual content that allows the court to draw the  
24 reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* (quoting  
25 *Twombly*, 550 U.S. at 556). Furthermore, a court “is not required to accept legal  
26 conclusions cast in the form of factual allegations if those conclusions cannot reasonably  
27 be drawn from the facts alleged.” *Clegg v. Cult Awareness Network*, 18 F.3d 752, 754–55  
(9th Cir. 1994). To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two  
28 essential elements: (1) that a right secured by the Constitution or laws of the United States  
was violated, and (2) that the alleged violation was committed by a person acting under the  
color of state law. *See West v. Atkins*, 487 U.S. 42, 48 (1988).

1           **B. Legal Claims**

2           **1. Original Complaint**

3           In the original complaint plaintiff alleged that “[t]he members of San Quentin State  
4           Prison are obstructing communication between family, friends, pen-pals, associates and  
5           legal representatives.” (Compl., Dkt. No. 14 at 4.) The complaint was dismissed (with  
6           leave to amend) because these allegations failed to state a claim for relief. Plaintiff failed  
7           to allege specific incidents of mail interference and the specific persons responsible.

8           **2. First Amended Complaint**

9           The first amended complaint is not an improvement. Again, plaintiff fails to  
10          provide any facts that would state a claim for relief. His statements are conclusory and he  
11          fails to link any specific defendant with any wrongful act.

12          The complaint also goes on at length about many irrelevant matters, e.g., judicial  
13          proceedings in Long Beach, California; a request for help in contacting his children and  
14          their mothers; a request that defendants “make a plea in open court”; a request for the  
15          arrest of “all members of San Quentin State Prison”; and a declaration that he is now the  
16          owner of San Quentin State Prison and asks that “these people be removed from my land  
17          immediately.” (First Am. Compl., Dkt. No. 18 at 3, 4, and 5.) Because plaintiff fails to  
18          state any claim for relief, this action will be dismissed.

19           **CONCLUSION**

20          This federal civil rights suit is DISMISSED without prejudice. If plaintiff believes  
21          he can state a claim for relief, he may file an amended complaint. So far he has not been  
22          able to do so, even after filing two complaints. The Clerk shall enter judgment in favor of  
23          defendants, and close the file.

24           **IT IS SO ORDERED.**

25          **Dated:** October 7, 2019



26           **RICHARD SEEBORG**  
27           United States District Judge

28           **ORDER OF DISMISSAL**  
                 CASE No. [19-cv-00919-RS](#)